

**CRR-1666-2024 (O&M)****-1-****231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1666-2024 (O&M)****Date of decision: 15.10.2024****PRABHJOT KAUR****...PETITIONER****V/S****STATE OF PUNJAB AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. Paramjit Rajput, Advocate
for the petitioner.****Mr. Sandeep Kumar, DAG Punjab.************HARPREET SINGH BRAR J. (ORAL)****CRM-35340-2024**

This is an application under Section 5 of the Limitation Act read with Section 482 of Cr.P.C. for condonation of delay of 2000 days in filing the revision petition.

For the reasons mentioned in the application, same is allowed and delay of 2000 days in filing the revision petition is condoned.

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1. The present revision petition has been filed against the judgment dated 02.11.2016 passed by learned Additional Sessions Judge, Jalandhar whereby the appeal of the appellant/petitioner has been dismissed against the judgment dated 20.09.2011 passed by learned Chief Judicial Magistrate, Jalandhar whereby accused/respondents No. 2 to 4 have been acquitted in FIR No. 73 dated 10.04.2003 registered under Sections 420, 494, 498-A, 506 of Indian Penal Code at Police Station Division No. 4 Jalandhar.

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2. The FIR(supra) was registered on the basis of complaint of Prabhjot Kaur to the effect that her marriage was performed with Surinder Pal Singh-respondent No. 1, on 19.4.1999 at Hargobindpur Sahib and out of their wedlock, a son was born on 23.02.2000. After the marriage, her husband started torturing her for bringing money from her parents and she had brought about Rs. 3 lacs at the demand of accused and his family members. She further stated that after her marriage, she came to know that accused-Surinder Pal Singh was already married with one Manjit Kaur and out of their wedlock, a daughter aged about 7/8 years was born who was studying in St. Francies Convent School, Kartarpur. The previous wife of her husband i.e. Manjit Kaur was working as Punjabi Teacher in a High School, Village Kudowal, near Kartarpur. The fact of his previous marriage was concealed from her and they arranged marriage with her, in a deceitful manner. Her husband has got recorded his name as Bhupinder Singh instead of Surinder Pal Singh. In this way accused-Surinder Pal Singh by concealing his previous marriage got married to the complainant by deceiving her. She had been tortured for bringing more dowry and also threatened her parents to kill them. On the basis of aforesaid allegations FIR(supra) was registered.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that learned Court below has opined that in order to prove marriage between the petitioner-Prabhjot Kaur and Surinder Pal Singh, the complainant (petitioner herein) claimed that her marriage was solemnized on 19.04.1999. Except for this bald statement, she has not placed on record any document to prove her marriage with Surinder Pal Singh. Moreover, Sukhwant Singh, father of the

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petitioner/complainant while appearing as PW-4 claimed that marriage of his daughter was solemnized with Surinder Pal Singh on 19.04.1999 at Gurudwara Sri Purpukhta Sahib, District Hoshiarpur. But he has stated in his examination-in-chief that the said marriage was not solemnized by him nor any of his family members attended the marriage. Neither any certificate from the Gurudwara, where the marriage was allegedly performed, had been produced on record. Thus, learned Court below has come to the conclusion that prosecution has failed to prove that any marriage was solemnized between Prabhjot Kaur and Surinder Pal Singh. Learned lower Court below has also opined that except the statement of PW-6, Tilak Raj of Punjab National Bank, there was nothing on record to prove that the alleged amount of Rs. 3,00,000/- was paid to the accused persons by the complainant or her parents by withdrawing the same from the bank. Moreover, ownership of the vehicle (Maruti Car, which was allegedly given as a fulfillment of demand of dowry) has not been proved in the name of accused No. 1-respondent No. 1-Surinder Pal Singh.

4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (See **H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. State of Karnataka,**

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(2007) 4 SCC 415). A Division bench of this Court in the judgment passed in **State of Haryana Vs. Ankit and others** passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned trial Court or the lower Appellate Court which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

October 15, 2024*Ajay Goswami***(HARPREET SINGH BRAR)
JUDGE**

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No